



Reprinted  
February 17, 2009

## HOUSE BILL No. 1573

DIGEST OF HB 1573 (Updated February 16, 2009 1:55 pm - DI 77)

**Citations Affected:** IC 16-18; IC 16-27; IC 16-39; IC 16-42; IC 25-1; IC 25-7; IC 25-8; IC 25-13; IC 25-14; IC 25-21.8; IC 25-22.5; IC 25-23; IC 25-23.6; IC 25-26; IC 25-27.5; IC 25-33; IC 25-34.1; IC 30-2; IC 34-30; noncode.

**Synopsis:** Various professions matters. Specifies requirements for new home health agency and personal service agency employees to provide a limited criminal history or a national criminal history to the agency. Allows board approved activities to meet certain professional's continuing education requirements. Exempts a health care provider from liability for health records destroyed in a natural disaster. Specifies the service of notices and time computations for disciplinary actions. Provides that a qualifying pharmacist is subject to disciplinary actions if the pharmacist knew or should have known of a violation at the pharmacy. Allows a board to require restitution as part of a disciplinary sanction. Allows a board that regulates certain health professionals to establish the requirements to manage health records when a practice has been discontinued. Exempts certain sports team healthcare practitioners who provide treatment for their team members from state license requirements. Allows a barber shop and barber school to be inspected before an initial license is issued. Removes staggered license barber renewal system. Provides that a barber instructor's license and barber's license expire at the same time. Allows the board to issue a provisional license to a barber who comes from a jurisdiction that does not provide licensure if certain requirements are met. Allows a person to take the barbers examination not more than

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**Effective:** June 30, 2008 (retroactive); July 1, 2008 (retroactive); July 1, 2009.

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**Welch, Brown C, Dodge**

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January 16, 2009, read first time and referred to Committee on Public Health.  
February 12, 2009, amended, reported — Do Pass.  
February 16, 2009, read second time, amended, ordered engrossed.

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five times without additional study. Requires 100 hours of additional study before taking a barber exam for the sixth time. Specifies that the practice of cosmetology does not include massage therapy. Allows cosmetology schools and certain salons to be inspected before an initial license is issued. Amends the education and practice experience requirements for reciprocity for certain professionals. Allows the board to issue a provisional license to a cosmetologist, electrologist, manicurist, or a esthetician who comes from a jurisdiction that does not provide licensure if certain requirements are met. Provides that a beauty culture practitioner's license and beauty culture instructor's license expire at the same time. Allows an esthetician with a temporary permit to work under the supervision of a cosmetologist. Allows the board to inspect a tanning facility before issuing a license. Establishes a fee for dental hygienists' and dentists' licenses and certain permits. Requires the fee to be placed in the dental recruitment fund. Establishes a program to provide grants to recruit dental hygienists and dentists to underserved areas and to increase the number of minority dentists and dental hygienists in Indiana. Requires a massage therapist to have liability insurance and to provide proof of the therapist's certification. Removes the expiration date from the statute allowing temporary fellowship permits. Allows a nursing education program to employ a registered nurse who meets certain requirements to provide clinical instruction. Allows certain persons who are in a doctoral program to either apply for a marriage and family therapist associate license or accrue clinical experience. Provides the means that marriage and family therapist post degree experience is accumulated. Provides that a pharmacy technician who is practicing in a federally qualified health center meets the supervision requirement by being in electronic visual and vocal contact with the pharmacist. Amends the list of physician assistant (PA) approved programs. Amends PA licensure requirements. Amends PA temporary licensure requirements and removes the requirement that a PA with a temporary license must practice onsite with the supervising physician. Amends the PA inactive license requirements. Requires a supervising physician to not have certain disciplinary restrictions and to maintain an agreement with the PA. Requires a health service provider in psychology to have two years of sequential and organized professional experience in a supervised health service setting as a requirement of endorsement. Removes the requirement that the health service provider in psychology must obtain one year of experience after obtaining a doctorate in psychology. Allows the real estate commission to use an emergency rule to adopt the Uniform Standards of Professional Appraisal Practice. Allows the board of funeral and cemetery service to designate a successor seller when the initial seller does not comply with certain requirements. Repeals laws concerning: (1) cosmetology license renewal; (2) esthetician reciprocity requirements; (3) inspection of the funeral director examination; (4) PA's definition of "accrediting agency"; and (5) use of a PA testing company. Makes conforming changes.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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## HOUSE BILL No. 1573

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-18-2-204.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2009]: **Sec. 204.5. "Limited criminal**  
4 **history", for purposes of IC 16-27-2, has the meaning set forth in**  
5 **IC 16-27-2-1.5.**

6       SECTION 2. IC 16-27-2-1.5 IS ADDED TO THE INDIANA CODE  
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
8 1, 2009]: **Sec. 1.5. As used in this chapter, "limited criminal**  
9 **history" means the limited criminal history from the Indiana**  
10 **central repository for criminal history information under**  
11 **IC 10-13-3.**

12       SECTION 3. IC 16-27-2-2.2, AS AMENDED BY P.L.212-2005,  
13 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2009]: **Sec. 2.2. As used in this chapter, "services" includes:**  
15       (1) home health services (as defined in IC 16-27-1-5);

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(2) any services such as homemaker, companion, sitter, or handyman services provided by a home health agency in the temporary or permanent residence of a patient or client of the home health agency; and

(3) personal services **(as defined in IC 16-27-4-4).**

SECTION 4. IC 16-27-2-4, AS AMENDED BY P.L.197-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 shall apply, not more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for a ~~determination concerning~~ **copy of the employee's national limited criminal history. background check from the Indiana central repository for criminal history information under IC 10-13-3-39.**

(b) If a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 determines an employee lived outside Indiana at any time during the two (2) years immediately before the date the individual was hired by the home health agency or personal services agency, the home health agency or personal services agency shall apply, not more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for a determination concerning the employee's national criminal history.

(c) If, more than three (3) days after an employee begins providing services in a patient's temporary or permanent residence, a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 discovers the employee lived outside of Indiana during the two (2) years immediately prior to the date the individual was hired, the agency shall apply, not more than three (3) business days after the date the agency learns the employee lived outside Indiana, for a determination concerning the employee's national criminal history.

~~(b)~~ (d) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than three (3) business days without applying for:

- (1) a limited criminal history as required by subsection (a); or
- (2) a determination concerning that person's national criminal history background check as required by subsection ~~(a)~~; (b) or
- (c).

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SECTION 5. IC 16-27-2-5, AS AMENDED BY P.L.134-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 may not employ a person to provide services in a patient's or client's temporary or permanent residence if that person's limited criminal history ~~check~~ or national criminal history ~~background check~~ indicates that the person has been convicted of any of the following:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Exploitation of an endangered adult (IC 35-46-1-12).
- (4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).
- (5) Theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the person's employment application date.
- (6) A felony that is substantially equivalent to a felony listed in:
  - (A) subdivisions (1) through ~~(2)~~ (4); or
  - (B) **subdivision (5), if the conviction for theft occurred less than ten (10) years before the person's employment application date;**

for which the conviction was entered in another state.

(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) calendar days without receipt of that person's limited criminal history or national criminal history background check required by section 4 of this chapter, unless either the state police department or the Federal Bureau of Investigation under IC 10-13-3-39 is responsible for failing to provide the person's limited criminal history or national criminal history background check to the home health agency or personal services agency within the time required under this subsection.

SECTION 6. IC 16-39-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) As used in this section, "provider" means the following:

- (1) A physician.
- (2) A dentist.
- (3) A registered nurse.
- (4) A licensed practical nurse.
- (5) An optometrist.
- (6) A podiatrist.

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- (7) A chiropractor.
- (8) A physical therapist.
- (9) A psychologist.
- (10) An audiologist.
- (11) A speech-language pathologist.
- (12) A home health agency licensed under IC 16-27.
- (13) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24 or IC 12-29.

(b) A provider shall maintain the original health records or microfilms of the records for at least seven (7) years.

(c) A provider who violates subsection (b) commits an offense for which a board may impose disciplinary sanctions against the provider under the law that governs the provider's licensure, registration, or certification under this title or IC 25.

**(d) A provider is immune from civil liability for destroying or failing to maintain a health record in violation of this section if the destruction or failure to maintain the health record occurred in connection with a disaster emergency as declared by the governor under IC 10-14-3-12.**

SECTION 7. IC 16-42-19-5, AS AMENDED BY P.L.90-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. As used in this chapter, "practitioner" means any of the following:

- (1) A ~~licensed~~ physician **licensed under IC 25-22.5.**
- (2) A veterinarian licensed to practice veterinary medicine in Indiana.
- (3) A dentist licensed to practice dentistry in Indiana.
- (4) A podiatrist licensed to practice podiatric medicine in Indiana.
- (5) An optometrist who is:
  - (A) licensed to practice optometry in Indiana; and
  - (B) certified under IC 25-24-3.
- (6) An advanced practice nurse who meets the requirements of IC 25-23-1-19.5.
- (7) A physician assistant licensed under IC 25-27.5 who is delegated prescriptive authority under IC 25-27.5-5-6.

SECTION 8. IC 25-1-4-0.5, AS AMENDED BY P.L.57-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction:

- (1) that is approved by:
  - (A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or

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(B) for a real estate appraiser:

(i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or

(ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and

(2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

**The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.**

SECTION 9. IC 25-1-4-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:**

**(1) a Saturday;**

**(2) a Sunday;**

**(3) a legal holiday under a state statute; or**

**(4) a day that the office in which the act is to be done is closed during regular business hours.**

**(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office, in which the act is to be done, is closed during regular business hours are excluded from the calculation.**

**(c) A period under this chapter that begins when a person is served with a paper begins with respect to a particular person on the earlier of the date that:**

**(1) the person is personally served with the notice; or**

**(2) a notice for the person is deposited in the United States mail.**

**(d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that notice.**

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SECTION 10. IC 25-1-4-5, AS AMENDED BY P.L.197-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:

(1) Send the practitioner notice of noncompliance by certified mail **to the practitioner's last known address.**

(2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).

(3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon ~~receipt~~ **service** of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

(1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of ~~receipt~~ **service** of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

(2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of ~~receipt~~ **service** of the notice.

(B) Acquire, within six (6) months after ~~receiving~~ **service** of the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a practitioner's license; or

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(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);  
if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.

SECTION 11. IC 25-1-9-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6.4. (a) As used in this subsection, "qualifying pharmacist" means a pharmacist licensed under IC 25-26-13 who is responsible to the Indiana board of pharmacy (created under IC 25-26-13-3) for the legal operations of a pharmacy.**

**(b) In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a pharmacist is subject to disciplinary sanctions under section 9 of this chapter if, after a hearing, the board of pharmacy finds that the practitioner:**

**(1) served as a qualifying pharmacist under IC 25-26-13-20; and**

**(2) knew or should have known that a violation of a state statute or rule, or federal statute or regulation, regulating the practice of pharmacy occurred at the pharmacy.**

SECTION 12. IC 25-1-9-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 21. The board may adopt rules under IC 4-22-2 to establish requirements for the management and disposition of health records (as defined in IC 16-18-2-168) on the discontinuation of practice by:**

**(1) sale;**

**(2) transfer;**

**(3) closure;**

**(4) disciplinary action;**

**(5) retirement; or**

**(6) death;**

**of the practitioner.**

SECTION 13. IC 25-1-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:**

**(1) Permanently revoke a practitioner's license.**

**(2) Suspend a practitioner's license.**

**(3) Censure a practitioner.**

**(4) Issue a letter of reprimand.**

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(5) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the board upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the board;

(C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

**(7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.**

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

SECTION 14. IC 25-1-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

**Chapter 15. Exemptions for Athletic Organization Practitioners Licensed in Other Jurisdictions**

**Sec. 1. As used in this chapter, "license" includes a license, certificate, or registration.**

**Sec. 2. As used in this chapter, "practitioner" refers to any of the following:**

(1) Athletic trainer.

(2) Chiropractor.

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- (3) Dentist.
- (4) Dietitian.
- (5) Marriage and family therapist.
- (6) Massage therapist.
- (7) Mental health counselor.
- (8) Nurse.
- (9) Occupational therapist.
- (10) Optometrist.
- (11) Physical therapist.
- (12) Physician.
- (13) Physician assistant.
- (14) Podiatrist.
- (15) Psychologist.
- (16) Respiratory care practitioner.
- (17) Social worker.

**Sec. 3. (a) A practitioner licensed in another state, territory, or jurisdiction of the United States or of any nation or foreign jurisdiction is exempt from the requirements of licensure under this title, if the practitioner:**

- (1) holds an active license to practice the profession in question in the other jurisdiction;
- (2) engages in the active practice of the profession in which the practitioner is licensed in the other jurisdiction; and
- (3) is employed or designated as the athletic or sports organization's practitioner by an athletic or sports organization visiting Indiana for a specific sporting event.

**(b) A practitioner's practice under this section is limited to the members, coaches, and staff of the athletic or sports organization that employs or designates the practitioner.**

**(c) A practitioner practicing in Indiana under the authority of this section:**

- (1) does not have practice privileges in any licensed hospital or health care facility; and
- (2) is not authorized to issue orders or prescriptions or to order testing at a medical facility;

**in Indiana.**

**(d) A practitioner's practice under this section may not exceed thirty (30) consecutive days for a specific event.**

SECTION 15. IC 25-7-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. The board shall adopt rules under IC 4-22-2 to:

- (1) prescribe sanitary requirements for:

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- 1 (A) barber shops; and
- 2 (B) barber schools;
- 3 (2) establish standards for the **competent** practice of barbering
- 4 and the operation of:
- 5 (A) barber shops; and
- 6 (B) barber schools. ~~and~~
- 7 ~~(3) implement the licensing system under this article and provide~~
- 8 ~~for a staggered renewal system for licenses.~~

9 SECTION 16. IC 25-7-5-21 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) A:

- 11 (1) member of the board;
- 12 (2) state inspector; or
- 13 (3) state investigator;

14 may inspect a barber shop or barber school during the shop's or school's  
15 regular business hours.

16 **(b) A member of the board, state inspector, or state investigator**  
17 **may inspect:**

- 18 (1) a barber shop; or
- 19 (2) a barber school;

20 **before an initial license is issued.**

21 SECTION 17. IC 25-7-6-11 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) ~~All licenses~~  
23 **Except for an instructor license issued under subsection (c) or**  
24 **IC 25-7-8-1, a license issued or renewed under this article other than**  
25 **those described in subsection (b) are is valid for four (4) years.**

26 ~~(b) Barber school licenses are valid for two (2) years.~~

27 **(b) A license issued to an instructor under IC 25-8-6-1 expires**  
28 **at the time that the instructor's barber license expires. The board**  
29 **shall renew an instructor's license under this subsection**  
30 **concurrently with the instructor's barber license.**

31 **(c) Initial provisional licenses are valid for a length of time**  
32 **determined by the board, but not to exceed two (2) years.**

33 SECTION 18. IC 25-7-6-17 IS ADDED TO THE INDIANA CODE  
34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
35 1, 2009]: Sec. 17. (a) **This section applies only to applications for a**  
36 **barber license under IC 25-7-10.**

37 **(b) If an applicant comes from a jurisdiction that does not issue**  
38 **a barber license, the board may issue an initial provisional license**  
39 **to an applicant who meets the following requirements:**

- 40 (1) **The board finds that the applicant has sufficient training**
- 41 **or experience as a barber.**
- 42 (2) **The applicant has not committed an act that would**

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1 constitute a violation of the standards of practice under  
2 IC 25-1-11.

3 (3) The applicant pays a fee established by the board under  
4 IC 25-1-8.

5 (c) An applicant who has been granted an initial provisional  
6 license must work under the supervision of a licensed barber.

7 (d) A person who holds an initial provisional license may apply  
8 for renewal of a barber license under section 12 of this chapter.

9 (e) The holder of a provisional license may petition the board  
10 for the issuance of a barber license to practice without supervision.  
11 The holder of a provisional license who demonstrates to the board  
12 that the holder may satisfactorily practice without supervision  
13 shall be released from terms of the provisional license and is  
14 entitled to hold a license under IC 25-7-10-1.

15 SECTION 19. IC 25-7-10-4, AS AMENDED BY P.L.157-2006,  
16 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2009]: Sec. 4. (a) If a person does not receive a satisfactory  
18 grade on the written examination described in IC 25-7-6-5, the person  
19 may repeat the examination ~~within ninety (90) days after the date of the~~  
20 ~~examination~~ **not more than four (4) times** without completing any  
21 additional study in barbering.

22 (b) If, **after five (5) attempts**, a person does not receive a  
23 satisfactory grade on the ~~repeat~~ examination described in ~~subsection~~  
24 ~~(a), IC 25-7-6-5~~, the person will be permitted to repeat the examination  
25 only upon proof of completion of ~~two one hundred fifty (250)~~ **(100)**  
26 additional hours of training at an approved barber school.

27 SECTION 20. IC 25-8-2-5, AS AMENDED BY P.L.78-2008,  
28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2009]: Sec. 5. (a) "Cosmetology" means performing any of the  
30 following acts on the head, face, neck, shoulders, torso, arms, hands,  
31 legs, or feet of a person:

32 (1) Cutting, trimming, styling, arranging, dressing, curling,  
33 waving, permanent waving, cleansing, bleaching, tinting,  
34 coloring, or similarly treating hair.

35 (2) Applying oils, creams, antiseptics, clays, lotions, or other  
36 preparations to massage, cleanse, stimulate, manipulate, exercise,  
37 or beautify.

38 (3) Arching eyebrows.

39 (4) Using depilatories.

40 (5) Manicuring and pedicuring.

41 (b) "Cosmetology" does not include performing any of the acts  
42 described in subsection (a):

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- (1) in treating illness or disease;
- (2) as a student in a cosmetology school that complies with the notice requirements set forth in IC 25-8-5-6;
- (3) in performing shampooing operations; or
- (4) without compensation.

(c) "Cosmetology" does not include **the following**:

- (1) Performing the act of threading.
- (2) **Performing massage therapy (as defined in IC 25-21.8-1).**

SECTION 21. IC 25-8-3-28, AS AMENDED BY P.L.157-2006, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28. (a) A member of the board or any inspector or investigator may inspect:

- (1) a cosmetology salon;
- (2) an electrology salon;
- (3) an esthetic salon;
- (4) a manicuring salon; ~~or~~
- (5) a cosmetology school; **or**
- (6) **a mobile salon;**

during its regular business hours.

(b) **A member of the board or any inspector or investigator may inspect:**

- (1) **a cosmetology salon;**
- (2) **an electrology salon;**
- (3) **an esthetic salon;**
- (4) **a manicuring salon;**
- (5) **a cosmetology school; or**
- (6) **a mobile salon;**

**before an initial license is issued.**

SECTION 22. IC 25-8-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) If the board determines that:

- (1) a person possesses a valid license from another jurisdiction to perform acts that require a license under this article; and
- (2) the jurisdiction issuing the license imposes substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license;

the board may issue a license to perform those acts in Indiana to that person upon payment of the fee required under IC 25-8-13.

(b) This subsection applies only to applications for a cosmetologist license under IC 25-8-9. If the jurisdiction issuing the license does not impose substantially equal requirements **for education hours** as required under subsection (a)(2), the board may approve the

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1 combination of education hours plus actual licensed practice in the  
 2 other jurisdiction when issuing a license to a person from that  
 3 jurisdiction. One (1) year of licensed practice is equal to one hundred  
 4 (100) hours of education to an applicant who has completed a  
 5 minimum of one thousand (1,000) hours of education.

6 (c) This subsection applies only to applications for a manicurist  
 7 license under IC 25-8-11. ~~Applicants for a manicurist license under this~~  
 8 ~~section must take the written examination described by section 8(2) of~~  
 9 ~~this chapter and score at least seventy-five percent (75%) on the~~  
 10 ~~examination. If the jurisdiction issuing a license does not impose~~  
 11 ~~substantially equal requirements for education hours as required~~  
 12 ~~under subsection (a)(2), the board may approve the combination~~  
 13 ~~of education hours plus actual licensed practice in the other~~  
 14 ~~jurisdiction when issuing a license to a person from that~~  
 15 ~~jurisdiction, as follows:~~

16 (1) For an applicant with less than twenty (20) years of actual  
 17 licensed practice as a manicurist, one (1) year of licensed  
 18 practice is equal to one hundred (100) hours of education to  
 19 an applicant who has completed at least three hundred (300)  
 20 hours of education.

21 (2) For an applicant with twenty (20) or more years of actual  
 22 licensed practice as a manicurist, one (1) year of licensed  
 23 practice is equal to one hundred (100) hours of education to  
 24 an applicant who has completed at least one hundred (100)  
 25 hours of education.

26 (d) This subsection applies only to applications for an  
 27 electrologist license under IC 25-8-10. If the jurisdiction issuing a  
 28 license does not impose substantially equal requirements for  
 29 education hours as required under subsection (a)(2), the board may  
 30 approve the combination of education hours plus actual licensed  
 31 practice in the other jurisdiction when issuing a license to a person  
 32 from that jurisdiction. One (1) year of licensed practice as an  
 33 electrologist is equal to one hundred (100) hours of education to an  
 34 applicant who has completed at least two hundred (200) hours of  
 35 education.

36 (e) This subsection applies only to applications for an esthetician  
 37 license under IC 25-8-12.5. If the jurisdiction issuing a license does  
 38 not impose substantially equal requirements for education hours  
 39 as required under subsection (a)(2), the board may approve the  
 40 combination of education hours plus actual licensed practice in the  
 41 other jurisdiction when issuing a license to a person from that  
 42 jurisdiction. One (1) year of licensed practice as an esthetician is

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1 equal to one hundred (100) hours of education to an applicant who  
2 has completed at least four hundred (400) hours of education.

3 (f) This subsection applies only to applications for a beauty  
4 culture instructor license under IC 25-8-6. If the jurisdiction  
5 issuing a license does not impose substantially equal requirements  
6 for education hours as required under subsection (a)(2), the board  
7 may approve the combination of education hours plus actual  
8 licensed practice in the other jurisdiction when issuing a license to  
9 a person from that jurisdiction. One (1) year of licensed practice as  
10 a beauty culture instructor is equal to one hundred (100) hours of  
11 education to an applicant who has completed at least seven  
12 hundred (700) hours of education.

13 SECTION 23. IC 25-8-4-2.9 IS ADDED TO THE INDIANA CODE  
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
15 1, 2009]: Sec. 2.9. (a) This section applies only to applications for a  
16 cosmetologist license under this article.

17 (b) If an applicant comes from a jurisdiction that does not issue  
18 a cosmetologist license, the board may issue an initial provisional  
19 license to an applicant who meets the following requirements:

20 (1) The board finds that the applicant has sufficient training  
21 or experience as a cosmetologist.

22 (2) The applicant has not committed an act that would  
23 constitute a violation of the standards of practice under  
24 IC 25-1-11.

25 (3) The applicant pays a fee established by the board under  
26 IC 25-1-8.

27 (c) An applicant who has been granted an initial provisional  
28 license must work under the supervision of a licensed  
29 cosmetologist.

30 (d) A person who holds an initial provisional license may apply  
31 for renewal of a cosmetologist license under section 19 of this  
32 chapter.

33 (e) The holder of a provisional license may petition the board  
34 for the issuance of a cosmetologist license to practice without  
35 supervision. The holder of a provisional license who demonstrates  
36 to the board that the holder may satisfactorily practice without  
37 supervision shall be released from the terms of the provisional  
38 license and is entitled to hold a license under IC 25-8-4.

39 SECTION 24. IC 25-8-4-17 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) Except for an  
41 instructor license issued under subsection (d) or IC 25-8-6-1, a  
42 license issued or renewed under this article is valid for expires on a

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1 date specified by the licensing agency under IC 25-1-6-4 and  
2 expires four (4) years after the initial expiration date.

3 (b) A license issued to an instructor under IC 25-8-6-1 expires  
4 at the time that the instructor's practitioner license expires. The  
5 board shall renew an instructor's license under this subsection  
6 concurrently with the instructor's practitioner license.

7 (c) Except as provided in IC 25-8-9-11, a person who holds a  
8 license under this article may apply for renewal.

9 (d) Initial provisional licenses are valid for a length of time  
10 determined by the board, but not to exceed two (2) years.

11 SECTION 25. IC 25-8-9-9, AS AMENDED BY P.L.197-2007,  
12 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2009]: Sec. 9. (a) The temporary cosmetologist work permit  
14 application described in section 8 of this chapter must state that the  
15 applicant:

16 (1) will practice cosmetology under the supervision of a  
17 cosmetologist; and

18 (2) has filed an application under:

19 (A) section 2 of this chapter, but has not taken the examination  
20 described by section 3(4) of this chapter; or

21 (B) IC 25-8-4-2 and is awaiting a board determination.

22 (b) The temporary electrologist work permit application described  
23 in section 8 of this chapter must state that the applicant:

24 (1) will practice electrology under the supervision of an  
25 electrologist; and

26 (2) has filed an application under:

27 (A) IC 25-8-10-2, but has not taken the examination described  
28 in IC 25-8-10-3(3); or

29 (B) IC 25-8-4-2 and is awaiting a board determination.

30 (c) The temporary esthetician work permit application described in  
31 section 8 of this chapter must state that the applicant:

32 (1) will practice esthetics under the supervision of an esthetician  
33 **or cosmetologist;** and

34 (2) has filed an application under:

35 (A) IC 25-8-12.5-3, but has not taken the examination  
36 described in IC 25-8-12.5-4(4); or

37 (B) IC 25-8-4-2 and is awaiting a board determination.

38 (d) The temporary manicurist work permit application described in  
39 section 8 of this chapter must state that the applicant:

40 (1) will practice manicuring under the supervision of a  
41 cosmetologist or manicurist; and

42 (2) has filed an application under:

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(A) IC 25-8-11-3, but has not taken the examination described in IC 25-8-11-4(4); or

(B) IC 25-8-4-2 and is awaiting a board determination.

SECTION 26. IC 25-8-10-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4. (a) This section applies only to applications for an electrologist license under this article.**

**(b) If an applicant comes from a jurisdiction that does not issue an electrologist license, the board may issue an initial provisional license to an applicant who meets the following requirements:**

**(1) The board finds that the applicant has sufficient training or experience as an electrologist.**

**(2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.**

**(3) The applicant pays a fee established by the board under IC 25-1-8.**

**(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed cosmetologist or a licensed electrologist.**

**(d) A person who holds an initial provisional license may apply for renewal of an electrologist license under this chapter.**

**(e) The holder of a provisional license may petition the board for the issuance of an electrologist license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from the terms of the provisional license and is entitled to hold a license under this chapter.**

SECTION 27. IC 25-8-11-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8. (a) This section applies only to applications for a manicurist license under this article.**

**(b) If an applicant comes from a jurisdiction that does not issue a manicurist license, the board may issue an initial provisional license to an applicant who meets the following requirements:**

**(1) The board finds that the applicant has sufficient training or experience as a manicurist.**

**(2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.**

**(3) The applicant pays a fee established by the board under IC 25-1-8.**

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1 (c) An applicant who has been granted an initial provisional  
2 license must work under the supervision of a licensed cosmetologist  
3 or licensed manicurist.

4 (d) A person who holds an initial provisional license may apply  
5 for renewal of a manicurist license under this chapter.

6 (e) The holder of a provisional license may petition the board  
7 for the issuance of a manicurist license to practice without  
8 supervision. The holder of a provisional license who demonstrates  
9 to the board that the holder may satisfactorily practice without  
10 supervision shall be released from the terms of the provisional  
11 license and is entitled to hold a license under this chapter.

12 SECTION 28. IC 25-8-12.5-4 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. ~~Except as provided~~  
14 ~~in section 7 of this chapter,~~ To receive a license issued under this  
15 chapter, a person must:

- 16 (1) be at least eighteen (18) years of age;
- 17 (2) have successfully completed the tenth grade or received the
- 18 equivalent of a tenth grade education;
- 19 (3) have graduated from an esthetics program in a cosmetology
- 20 school;
- 21 (4) have received a satisfactory grade (as defined by IC 25-8-4-9)
- 22 on an examination for esthetician license applicants prescribed by
- 23 the board;
- 24 (5) not have committed an act for which the person could be
- 25 disciplined under IC 25-8-14; and
- 26 (6) pay the fee set forth in IC 25-8-13-11 for the issuance of a
- 27 license under this chapter.

28 SECTION 29. IC 25-8-12.5-8 IS ADDED TO THE INDIANA  
29 CODE AS A NEW SECTION TO READ AS FOLLOWS  
30 [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) This section applies only to  
31 applications for an esthetician license under this article.

32 (b) If an applicant comes from a jurisdiction that does not issue  
33 an esthetician license, the board may issue an initial provisional  
34 license to an applicant who meets the following requirements:

- 35 (1) The board finds that the applicant has sufficient training
- 36 or experience as an esthetician.
- 37 (2) The applicant has not committed an act that would
- 38 constitute a violation of the standards of practice under
- 39 IC 25-1-11.
- 40 (3) The applicant pays a fee established by the board under
- 41 IC 25-1-8.

42 (c) An applicant who has been granted an initial provisional

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license must work under the supervision of a licensed cosmetologist or a licensed esthetician.

(d) A person who holds an initial provisional license may apply for renewal of an esthetician license under this chapter.

(e) The holder of a provisional license may petition the board for the issuance of an esthetician license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from the terms of the provisional license and is entitled to hold a license under this chapter.

SECTION 30. IC 25-8-15.4-6, AS AMENDED BY P.L.194-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. To obtain a license to operate a tanning facility, a person: ~~must do the following:~~

(1) **must** submit an application to the board on a form prescribed by the board;

(2) **must** pay a fee established by the board under IC 25-1-8-2; **and**

(3) **may be subject to an inspection of the facility by the board.**

SECTION 31. IC 25-13-1-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) In addition to any other fees charged to a dental hygienist, the board shall collect an additional twenty dollar (\$20) fee for the following licenses and permits issued to a dental hygienist:

(1) A license to practice dental hygiene.

(2) A permit to administer anesthesia under section 10.6 of this chapter.

(b) The fees collected under this section shall be deposited in the Indiana dental recruitment fund (IC 25-14-5-5).

SECTION 32. IC 25-14-1-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 31. (a) In addition to any other fees charged to a dentist, the board shall collect an additional twenty dollar (\$20) fee for the following licenses and permits issued to a dentist:

(1) A license to practice dentistry.

(2) A permit to administer anesthesia or sedation under section 3.1 of this chapter.

(3) A controlled substances registration permit (IC 35-48-3).

(b) The fees collected under this section shall be deposited in the Indiana dental recruitment fund (IC 25-14-5-5).

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SECTION 33. IC 25-14-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

**Chapter 5. Dental Underserved Area and Minority Recruitment Program**

**Sec. 1.** As used in this chapter, "committee" means the dental recruitment committee established by section 4 of this chapter.

**Sec. 2.** As used in this chapter, "fund" refers to the Indiana dental recruitment fund established by section 5 of this chapter.

**Sec. 2.5.** As used in this chapter, "minority" means an individual identified as any of the following:

(1) Black or African-American.

(2) Hispanic or Latino.

**Sec. 3.** As used in this chapter, "underserved area" means a county, city, town, census tract, or township designated by the state department of health under IC 16-46-5-7 or by the committee as underserved by general dentists, pediatric dentists, oral surgeons, or dental hygienists.

**Sec. 4. (a)** The dental recruitment committee is established.

**(b)** The committee consists of four (4) members as follows:

(1) One (1) member of the board, who is selected by the board.

(2) The commissioner of the state department of health, or the commissioner's designee.

(3) The president of the Indiana Dental Association, or the president's designee.

(4) The dean of the Indiana University School of Dentistry, or the dean's designee.

**(c)** The member selected under subsection (b)(1) shall serve as chairperson of the committee.

**Sec. 5. (a)** The Indiana dental recruitment fund is established. The purpose of the fund is to provide grants to dentists and dental hygienists to encourage the full-time delivery of dental care in underserved areas and to increase the number of minority dentists and dental hygienists in Indiana. The board shall administer the fund.

**(b)** The fund consists of the following:

(1) Fees deposited under IC 25-13-1-20 and IC 25-14-1-31.

(2) Payments made under section 6(3) of this chapter.

(3) Gifts to the fund.

(4) Grants from public or private sources.

**(c)** The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund.

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(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The fund shall be used to do the following:

(1) Provide grants under this chapter.

(2) Pay the costs incurred by the committee in administering this chapter.

**Sec. 6.** To be eligible for a grant, a dentist or dental hygienist must meet all the following conditions:

(1) Hold a license to practice as a dentist under this article or as a dental hygienist under IC 25-13-1.

(2) Has entered into an agreement with the committee to:

(A) either:

(i) commit to working five (5) years in a underserved area or as a minority dentist or dental hygienist in Indiana for a yearly grant of thirty-five thousand dollars (\$35,000); or

(ii) commit to working two (2) years in a underserved area or as a minority dentist or dental hygienist in Indiana for a yearly grant of thirty thousand dollars (\$30,000) with the option by the dentist or dental hygienist to serve up to three (3) additional years for a yearly grant of thirty-five thousand dollars (\$35,000);

(B) provide an average of at least forty (40) hours of dentistry per week in underserved areas or as a minority dentist or dental hygienist in Indiana;

(C) maintain a patient base that includes at least thirty percent (30%) as Medicaid patients; and

(D) provide a sliding fee scale, as approved by the committee, for low income patients.

(3) Has entered into an agreement with the committee that if the dentist or dental hygienist does not comply with the requirements in subdivision (2) that the dentist or dental hygienist will pay back to the committee seven thousand five hundred dollars (\$7,500), plus interest, for each month that the dentist or dental hygienist did not serve or had left to serve under the terms of the agreement.

**Sec. 7.** A dentist or dental hygienist must apply for a grant on an application form supplied by the committee.

**Sec. 8.** The committee shall consider each application and determine the following:

(1) The eligibility of the applicant for the grant program.

(2) The availability of sufficient money in the fund.

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**Sec. 9. The committee may recommend rules for the board to adopt under IC 4-22-2 that are necessary to administer this chapter.**

SECTION 34. IC 25-21.8-4-2, AS AMENDED BY P.L.3-2008, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. An individual who applies for certification as a massage therapist must do the following:

(1) Furnish evidence satisfactory to the board showing that the individual:

(A) is at least eighteen (18) years of age;

(B) has a high school diploma or the equivalent of a high school diploma;

(C) has successfully completed a massage therapy school or program that:

(i) requires at least five hundred (500) hours of supervised classroom and hands on instruction on massage therapy;

(ii) is in good standing with a state, regional, or national agency of government charged with regulating massage therapy schools or programs; and

(iii) is accredited by the Indiana commission on proprietary education established by IC 21-17-2-1 or accredited by another state where the standards for massage therapy education are substantially the same as the standards in Indiana, or is a program at an institution of higher learning that is approved by the board; and

(D) has taken and passed a certification examination approved by the board.

(2) Provide a history of any criminal convictions the individual has, including any convictions related to the practice of the profession. The board shall deny an application for certification if the applicant:

(A) has been convicted of:

(i) prostitution;

(ii) rape; or

(iii) sexual misconduct; or

(B) is a registered sex offender.

**(3) Provide proof that the applicant has professional liability insurance in force that lists the state as an additional insured.**

~~(3)~~ (4) Verify the information submitted on the application form.

~~(4)~~ (5) Pay fees established by the board.

SECTION 35. IC 25-21.8-4-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2009]: **Sec. 4. A massage therapist who is certified under this article shall provide proof of certification when practicing massage therapy.**

SECTION 36. IC 25-22.5-5-4.5, AS AMENDED BY P.L.1-2006, SECTION 449, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2008 (RETROACTIVE)]: Sec. 4.5. (a) The board may authorize the agency to issue temporary fellowship permits for the practice of medicine. A temporary fellowship is subject to any termination date specified by the board.

(b) The board may issue a temporary fellowship permit to a graduate of a school located outside the United States, its possessions, or Canada if the graduate:

- (1) applies in the form and manner required by the board;
- (2) pays a fee set by the board;
- (3) has completed the academic requirements for the degree of doctor of medicine from a medical school approved by the board;
- (4) has been issued a valid permit by another state for participation in a postgraduate medical education or training program located in a state that has standards for postgraduate medical education and training satisfactory to the board;
- (5) has been accepted into a postgraduate medical fellowship training program that:
  - (A) is affiliated with a medical school located in a state that issued a permit under subdivision (4);
  - (B) has a training site located in Indiana; and
  - (C) has standards for postgraduate medical education and training satisfactory to the board;
- (6) provides the board with documentation of the areas of medical practice for which the training is sought;
- (7) provides the board with at least two (2) letters of reference documenting the individual's character; and
- (8) demonstrates to the board that the individual is a physician of good character who is in good standing outside the United States, its possessions, or Canada where the person normally would practice.

(c) Applications for the temporary fellowship permit for graduates of foreign medical schools must be made to the board subject to this section.

(d) A permit issued under this section expires one (1) year after the date it is issued and, at the discretion of the board, may be renewed for additional one (1) year periods upon the payment of a renewal fee set by the board by rule.

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(e) An individual who applies for a temporary fellowship permit under this section is not required to take any step of the United States Medical Licensure Examination.

(f) A temporary fellowship permit must be kept in the possession of the fellowship training institution and surrendered by it to the board within thirty (30) days after the person ceases training in Indiana.

(g) A temporary fellowship permit authorizes a person to practice in the training institution only and, in the course of training, to practice only those medical acts approved by the board but does not authorize the person to practice medicine otherwise.

(h) The board may deny an application for a temporary fellowship permit if the training program that has accepted the applicant has:

- (1) violated; or
- (2) authorized or permitted a physician to violate;

this section.

(i) A person issued a temporary fellowship permit under this section must file an affidavit that:

- (1) is signed by a physician licensed in Indiana;
- (2) includes the license number of the signing physician;
- (3) attests that the physician will monitor the work of the physician holding the temporary fellowship permit; and
- (4) is notarized.

The affidavit must be filed with the agency before the person holding the temporary fellowship permit may provide medical services.

~~(j) This section expires July 1, 2008.~~

SECTION 37. IC 25-23-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. **(a)** Any institution which desires to conduct a nursing education program shall apply to the board and submit evidence that:

- (1) it is prepared to give a minimum curriculum of organized instruction and clinical experience in nursing in conformity to the provisions of this chapter and the rules of the board. Such instruction and experience may be secured in one (1) or more institutions or agencies approved by the board; and
- (2) it is prepared to meet other standards established by this chapter and by the board.

**(b) An institution that conducts a nursing education program may employ a person who:**

- (1) is a registered nurse with a bachelor's degree; and**
  - (2) has at least three (3) years of experience in nursing;**
- to instruct nursing students on a part-time basis for the purpose of clinical instruction.**

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SECTION 38. IC 25-23.6-8-1, AS AMENDED BY P.L.134-2008, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]: Sec. 1. An individual who applies for a license as a marriage and family therapist must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board from an eligible postsecondary educational institution that meets the requirements under section 2.1(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 2.1(a)(2) or (2.1)(a)(3) of this chapter; and

(B) completed the educational requirements under section 2.5 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual has met the clinical experience requirements under section 2.7 of this chapter.

(3) Furnish satisfactory evidence to the board that the individual:

(A) **except as provided in section 1.7 of this chapter**, holds a marriage and family therapist associate license, in good standing, issued under section 5 of this chapter; or

(B) is licensed or certified to practice as a marriage and family therapist in another state and is otherwise qualified under this chapter.

(4) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

(5) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a marriage and family therapist without endangering the public.

(6) Pay the fee established by the board.

SECTION 39. IC 25-23.6-8-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]: **Sec. 1.7. An individual who receives a master's degree and enters a doctoral program may do either of the following:**

**(1) Apply for a marriage and family therapist associate license under section 1.5 of this chapter by meeting the requirements**

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of this chapter.

(2) Elect not to apply for a marriage and family therapist associate license under section 1.5 of this chapter, accrue the clinical experience required under section 2.7(b) of this chapter, and apply for a marriage and family therapist license at the conclusion of the doctoral program.

SECTION 40. IC 25-23.6-8-2.7, AS AMENDED BY P.L.134-2008, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]: Sec. 2.7. (a) As used in this section, "first available examination" means the first examination after the date of:

(1) graduation; or

(2) moving into Indiana;

that has an application deadline that is at least thirty (30) days after the date of graduation or the date of moving into Indiana, unless the individual chooses to meet a deadline that is less than thirty (30) days after either of those events.

(b) An applicant for a license as a marriage and family therapist under section 1 of this chapter must have at least two (2) years of clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services. The applicant's clinical experience must include one thousand (1,000) hours of postdegree clinical experience and two hundred (200) hours of postdegree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or an equivalent supervisor, as determined by the board.

(b) Before an individual obtains any post degree clinical experience, the individual must be licensed as a marriage and family therapist associate under this chapter.

(c) If an individual applies for, takes, and passes the first available examination, the individual may not count more than five hundred (500) hours of the postdegree clinical experience that is:

(1) required under subsection (b); and

(2) accumulated before taking the examination toward licensure as a marriage and family therapist.

(d) If an individual does not pass the first available examination, the individual may:

(1) retain the hours accumulated before taking the examination;

(2) continue working; and

(3) not accumulate any additional hours toward licensure as

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a marriage and family therapist until passing the examination.

(e) If an individual does not take the first available examination, the individual may not begin accumulating any postdegree clinical experience hours toward licensure as a marriage and family therapist until the individual passes the examination.

(f) When obtaining the clinical experience required under subsection ~~(a)~~, ~~(b)~~, the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

- (1) Unmarried couples.
- (2) Married couples.
- (3) Separating or divorcing couples.
- (4) Family groups, including children.

~~(c)~~ (g) A doctoral internship may be applied toward the supervised work experience requirement.

~~(d)~~ (h) Except as provided in subsection ~~(c)~~, ~~(i)~~, the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

~~(e)~~ (i) The work requirement may not be performed away from the supervising marriage and family therapist's premises if:

- (1) the work is the independent private practice of marriage and family therapy; and
- (2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.

SECTION 41. IC 25-26-13-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) To be eligible for issuance of a pharmacy permit, an applicant must show to the satisfaction of the board that:

- (1) Persons at the location will engage in the bona fide practice of pharmacy. The application must show the number of hours each week, if any, that the pharmacy will be open to the general public.
- (2) The pharmacy will maintain a sufficient stock of emergency and frequently prescribed drugs and devices as to adequately serve and protect the public health.
- (3) Except as provided in section 19 of this chapter, a registered pharmacist will be in personal attendance and on duty in the licensed premises at all times when the practice of pharmacy is being conducted and that the pharmacist will be responsible for the lawful conduct of the pharmacy.
- (4) One (1) pharmacist will have not more than four (4) certified pharmacy technicians or pharmacy technicians in training

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certified under IC 25-26-19 under the pharmacist's immediate and personal supervision at any time. As used in this clause, "immediate and personal supervision" means within reasonable visual and vocal distance of the pharmacist. **However, if the pharmacy technician is practicing in a federally qualified health center (42 U.S.C. 1396d(l)(2)(B)), "immediate and personal supervision" means available visually and by voice through electronic means.**

(5) The pharmacy will be located separate and apart from any area containing merchandise not offered for sale under the pharmacy permit. The pharmacy will:

(A) be stationary;

(B) be sufficiently secure, either through electronic or physical means, or a combination of both, to protect the products contained in the pharmacy and to detect and deter entry during those times when the pharmacy is closed;

(C) be well lighted and ventilated with clean and sanitary surroundings;

(D) be equipped with a sink with hot and cold running water or some means for heating water, a proper sewage outlet, and refrigeration;

(E) have a prescription filling area of sufficient size to permit the practice of pharmacy as practiced at that particular pharmacy; and

(F) have such additional fixtures, facilities, and equipment as the board requires to enable it to operate properly as a pharmacy in compliance with federal and state laws and regulations governing pharmacies.

A pharmacy licensed under IC 25-26-10 (before its repeal on July 1, 1977) on June 30, 1977, must comply with the provisions of this clause before December 31, 1982, unless for good cause shown the board grants a waiver or otherwise exempts it.

(b) Prior to opening a pharmacy after receipt of a pharmacy permit, the permit holder shall submit the premises to a qualifying inspection by a representative of the board and shall present a physical inventory of the drug and all other items in the inventory on the premises.

(c) At all times, the wholesale value of the drug inventory on the licensed items must be at least ten percent (10%) of the wholesale value of the items in the licensed area.

SECTION 42. IC 25-27.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. "Approved program" means a ~~physician assistant or a surgeon assistant program accredited~~

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by an accrediting agency; an educational program for physician assistants accredited:

(1) by the Accreditation Review Commission on Education for the Physician Assistant; or

(2) before January 1, 2001, by:

(A) the Committee on Allied Health Education and Accreditation or its successor organization; or

(B) the Commission on Accreditation of Allied Health Education Programs or its successor organization.

SECTION 43. IC 25-27.5-2-10, AS AMENDED BY P.L.90-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. "Physician assistant" means an individual who: ~~has:~~

(1) graduated from a physician assistant or surgeon assistant program accredited by an accrediting agency;

(2) passed the certifying examination administered by the NCCPA and maintains certification by the NCCPA; and

(3) been licensed by the committee.

(1) meets the qualifications under this article; and

(2) is licensed under this article.

SECTION 44. IC 25-27.5-3-5, AS AMENDED BY P.L.90-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The committee shall have regular meetings, called upon the request of the president or by a majority of the members appointed to the committee, and upon the advice and consent of the executive director of the Indiana professional licensing agency, for the transaction of business that comes before the committee under this article. At the first committee meeting of each calendar year, the committee shall elect a president and any other officer considered necessary by the committee by an affirmative vote of a majority of the members appointed to the committee.

(b) Three (3) members of the committee constitute a quorum. An affirmative vote of a majority of the members appointed to the committee is required for the committee to take action on any business.

(c) The committee shall do the following:

(1) Consider the qualifications of individuals who apply for an initial license under this article.

(2) ~~Provide for examinations required under this article.~~

(3) (2) Approve or reject license applications.

(4) (3) Approve or reject renewal applications.

(5) (4) Approve or reject applications for a change or addition of a supervising physician.

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~~(6)~~ (5) Propose rules to the board concerning the competent practice of physician assistants and the administration of this article.

~~(7)~~ (6) Recommend to the board the amounts of fees required under this article.

SECTION 45. IC 25-27.5-4-1, AS AMENDED BY P.L.90-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. An individual must be licensed by the committee before the individual may practice as a physician assistant. The committee may grant a license as a physician assistant to an applicant who does the following:

(1) Submits an application on forms approved by the committee.

(2) Pays the fee established by the board.

(3) Has **either:**

(A) successfully:

(i) completed an educational program for physician assistants ~~or surgeon assistants~~ accredited by an ~~accrediting agency;~~ **approved program;** and

~~(B)~~ (ii) passed the Physician Assistant National Certifying Examination administered by the NCCPA and maintains current NCCPA certification; **or**

**(B) passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants before 1986.**

(4) Submits to the committee any other information the committee considers necessary to evaluate the applicant's qualifications.

(5) Presents satisfactory evidence to the committee that the individual has not been:

(A) engaged in an act that would constitute grounds for a disciplinary sanction under IC 25-1-9; or

(B) the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a physician assistant without endangering the public.

**(6) Is of good moral character.**

**(7) Has been approved by the board.**

SECTION 46. IC 25-27.5-4-4, AS AMENDED BY P.L.90-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The committee may grant a temporary license to an applicant who

~~(1) meets the qualifications for licensure under section 1 of this chapter except:~~

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- 1 (A) for the taking of the next scheduled NCCPA examination;  
 2 or  
 3 (B) if the applicant has taken the NCCPA examination and is  
 4 awaiting the results; or  
 5 (2) meets the qualifications for licensure under section 1 of this  
 6 chapter but is awaiting the next scheduled meeting of the  
 7 committee.
- 8 (b) A temporary license is valid until  
 9 (1) the results of an applicant's examination are available; and  
 10 (2) the committee makes a final decision on the applicant's  
 11 request for a license.
- 12 (c) The Indiana professional licensing agency shall immediately  
 13 revoke a temporary license granted under this section upon notice to  
 14 the Indiana professional licensing agency that the temporary license  
 15 holder has failed the NCCPA examination. The committee or the  
 16 committee's designee may extend the term of a temporary license if the  
 17 committee or the committee's designee determines that there is good  
 18 cause for the extension.
- 19 (d) A physician assistant practicing under a temporary license must  
 20 practice with onsite physician supervision.
- 21 (e) A physician assistant who notifies the committee in writing may  
 22 elect to place the physician assistant's license on an inactive status. The  
 23 renewal fee for an inactive license is one-half (1/2) of the renewal fee  
 24 to maintain an active license. If a physician assistant with an inactive  
 25 license determines to activate the license, the physician assistant shall  
 26 pay the renewal fee less any the amount paid for the inactive license.
- 27 (f) An individual who holds a license under this article and who  
 28 practices as a physician assistant while:  
 29 (1) the individual's license has lapsed; or  
 30 (2) the individual is on inactive status under this section;  
 31 is considered to be practicing without a license and is subject to  
 32 discipline under IC 25-1-9.
- 33 SECTION 47. IC 25-27.5-4-9, AS ADDED BY P.L.90-2007,  
 34 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2009]: Sec. 9. (a) An individual who:  
 36 (1) is licensed under this chapter; and  
 37 (2) does not practice as A physician assistant under a supervising  
 38 physician;  
 39 shall notify who notifies the committee in writing that the individual  
 40 does not have a supervising physician.
- 41 (b) If an individual who is licensed under this chapter does not  
 42 practice as a physician assistant under a supervising physician, the

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board shall place the individual's may elect to place the physician assistant's license on inactive status.

**(b) The renewal fee for an inactive license is one-half (1/2) of the renewal fee to maintain an active license.**

**(c) An individual may reinstate a license that is placed on inactive status under this section if the individual:**

**(1) submits a written application to the committee requesting that the license be placed on active status; and**

**(2) provides information as required by the committee concerning the physician who will be supervising the individual.**

**(c) If a physician assistant with an inactive license elects to activate the license, the physician assistant shall pay the renewal fee less any of the amount paid for the inactive license.**

**(d) An individual who holds a license under this article and who practices as a physician assistant while:**

**(1) the individual's license has lapsed; or**

**(2) the individual is on inactive status under this section;**

**is considered to be practicing without a license and is subject to discipline under IC 25-1-9.**

SECTION 48. IC 25-27.5-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. **(a)** A physician supervising a physician assistant must do the following:

**(1) Be licensed under IC 25-22.5.**

**(2) Register with the board the physician's intent to supervise a physician assistant.**

**(3) Submit a statement to the board that the physician will exercise supervision over the physician assistant in accordance with rules adopted by the board and retain professional and legal responsibility for the care rendered by the physician assistant.**

**(4) Not have a disciplinary action restriction that limits the physician's ability to supervise a physician assistant.**

**(b) Except as provided in this section, this chapter may not be construed to limit the employment arrangement with a supervising physician under this chapter.**

SECTION 49. IC 25-33-1-5.1, AS AMENDED BY P.L.2-2007, SECTION 345, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.1. **(a)** Except as provided in section 5.3 of this chapter, the board shall issue a license to an individual who meets the following requirements:

**(1) Applies to the board in the form and manner prescribed by the board under section 3 of this chapter.**

**(2) Is at least eighteen (18) years of age.**

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(3) Has not been convicted of a crime that has a direct bearing upon the applicant's ability to practice competently.

(4) Possesses a doctoral degree in psychology:

(A) granted from a recognized postsecondary educational institution; and

(B) from a degree program approved by the board as a psychology program at the time the degree was conferred.

(5) Is not in violation of this chapter or rules adopted by the board under section 3 of this chapter.

(6) Has paid the fee set by the board under section 3 of this chapter.

(7) Has passed the examination required and administered by the board.

(b) If an applicant has been disciplined by a licensing agency in another state or jurisdiction on the ground that the applicant was unable to competently practice psychology, the applicant must submit proof, satisfactory to the board, that the reasons for disciplinary sanction by the other licensing agency are no longer valid.

(c) The board shall endorse as a health service provider in psychology an individual who:

(1) has a doctoral degree in clinical psychology, counseling psychology, school psychology, or another applied health service area of psychology;

(2) is licensed under this section, section 5.3, or section 9 of this chapter;

(3) has at least two (2) years of **sequential and organized professional** experience in a supervised health service setting in which one (1) year of experience was obtained in an organized health service training program; and ~~in which at least one (1) year of experience was obtained after the individual received the individual's doctoral degree in psychology; and~~

(4) complies with the continuing education requirements under IC 25-33-2.

(d) An individual who received a doctoral degree in clinical psychology, counseling psychology, school psychology, or other applied health service area in psychology before September 1, 1983, may satisfy one (1) year of the two (2) year supervised health setting experience requirement under subsection (c) by successfully completing a preceptorship program. The individual must apply in writing to the board and the board must approve the program. The preceptorship program must:

(1) consist of at least one thousand eight hundred (1,800) hours

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of clinical, counseling, or school psychology work experience;  
 (2) consist of at least one hundred (100) hours of direct supervision of the individual by a psychologist, at least fifty (50) hours of which must involve the diagnosis of mental and behavioral disorders and at least fifty (50) hours of which must involve the treatment of mental and behavioral disorders;  
 (3) be completed in a health service setting that provides services in the diagnosis and treatment of mental and behavioral disorders;  
 (4) be under the supervision of a psychologist who meets the requirements for endorsement under this section; and  
 (5) be completed within two (2) years after the date the program is started.

(e) If an individual applies to the board under subsection (d), the board shall apply each hour of work experience the individual completes after applying to the board and before the board approves the preceptorship program to the one thousand eight hundred (1,800) hour work experience requirement under subsection (d)(1).

SECTION 50. IC 25-34.1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The commission may:

- (1) administer and enforce the provisions of this article;
- (2) adopt rules in accordance with IC 4-22-2 and prescribe forms for licenses, applications, principal broker certifications, and other documents which are necessary or appropriate for the administration and enforcement of this article;
- (3) issue, deny, suspend, and revoke licenses in accordance with this article, which licenses shall remain the property of the commission;
- (4) subject to IC 25-1-7, investigate complaints concerning licensees or persons the commission has reason to believe should be licensees, including complaints respecting failure to comply with this article or the rules, and, when appropriate, take action pursuant to IC 25-34.1-6;
- (5) bring actions, in the name of the state of Indiana, in an appropriate circuit court in order to enforce compliance with this article or the rules;
- (6) inspect the records of a licensee in accordance with rules and standards prescribed by the commission;
- (7) conduct, or designate a member or other representative to conduct, public hearings on any matter for which a hearing is required under this article and exercise all powers granted in IC 4-21.5;

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(8) adopt a seal containing the words "Indiana Real Estate Commission" and, through its executive director, certify copies and authenticate all acts of the commission;

(9) utilize counsel, consultants, and other persons who are necessary or appropriate to administer and enforce this article and the rules;

(10) enter into contracts and authorize expenditures that are necessary or appropriate, subject to IC 25-1-6, to administer and enforce this article and the rules;

(11) maintain the commission's office, files, records, and property in the city of Indianapolis;

(12) grant, deny, suspend, and revoke approval of examinations and courses of study as provided in IC 25-34.1-5;

(13) provide for the filing and approval of surety bonds which are required by IC 25-34.1-5;

(14) adopt rules in accordance with IC 4-22-2 necessary for the administration of the investigative fund established under IC 25-34.1-8-7.5; ~~and~~

**(15) annually adopt emergency rules under IC 4-22-2-37.1 to adopt any or all parts of Uniform Standards of Professional Appraisal Practice (USPAP), including the comments to the USPAP, as published by the Appraisal Standards Board of the Appraisal Foundation, under the authority of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (12 U.S.C. 3331-3351); and**

~~(15)~~ **(16)** exercise other specific powers conferred upon the commission by this article.

SECTION 51. IC 30-2-13-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) If a seller:

(1) ceases to have a certificate of authority or loses a professional license required to provide services under this chapter;

(2) ceases to exist or operate;

(3) is incapable of performing the seller's obligations under an unperformed contract for any reason; or

(4) sells or leases the seller's business, facilities, or assets;

the seller shall give notice to the board and to each purchaser for whom funds are held in a trust or escrow under this chapter. The notice shall specify the reason for the issuance of the notice.

(b) The seller's written notice under subsection (a) must be:

(1) addressed to the purchaser's last known address; and

(2) mailed within fifteen (15) days after the seller becomes incapable of performing the obligations under the contract.

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(c) A purchaser who receives a notice under subsection (a) has thirty (30) days after the date the notice was mailed by the seller to select and designate a new seller under section 13 of this chapter to become the beneficiary of the trust or the designated recipient of the escrow funds. The first seller shall send written notice of the designation of a new seller to the newly designated seller or to the trustee.

(d) A seller shall transfer all unperformed contracts and funds held in trust or escrow under this chapter to the seller who is the successor owner or lessee of the transferring seller. The successor seller shall perform all contracts transferred under this subsection.

(e) If:

(1) the seller fails to comply with subsection (a)(1), (a)(2), or (a)(3); or

(2) a purchaser fails to designate a new seller;  
the designation shall be made by the board.

SECTION 52. IC 34-30-2-77.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 77.8. IC 16-39-7-1 (Concerning medical care providers for maintenance of health records in connection with a disaster).**

SECTION 53. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 25-8-4-18; IC 25-8-12.5-7; IC 25-15-5-2; IC 25-27.5-2-4.5; IC 25-27.5-3-7.

SECTION 54. [EFFECTIVE JULY 1, 2008 (RETROACTIVE)] (a) **An individual who, before July 1, 2008, receives a master's or doctoral degree described in IC 25-23.6-8-1(1)(A) and who seeks licensure under IC 25-23.6-8, as amended by P.L.134-2008, may do either of the following:**

(1) **Seek a marriage and family therapist associate license by:**

(A) **applying for a marriage and family associate license under IC 25-23.6-8, as amended by P.L.134-2008, if the individual meets the requirements under IC 25-23.6-8, as amended by P.L.134-2008; and**

(B) **taking the required examination.**

**Notwithstanding IC 25-23.6-8-2.7(b), as amended by P.L.134-2008, SECTION 43, any postdegree clinical experience that the individual obtained before July 1, 2008, counts toward the requirements of IC 25-23.6-8, as amended by P.L.134-2008.**

(2) **Seek a marriage and family therapist license by applying for a marriage and family therapist license under IC 25-23.6-8, as amended by P.L.134-2008, if the individual**

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1           meets the requirements under IC 25-23.6-8, as amended by  
 2           P.L.134-2008.  
 3           (b) This SECTION expires June 30, 2013.  
 4           SECTION 55. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1573, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-204.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 204.5. "Limited criminal history", for purposes of IC 16-27-2, has the meaning set forth in IC 16-27-2-1.5.**

SECTION 2. IC 16-27-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter, "limited criminal history" means the limited criminal history from the Indiana central repository for criminal history information under IC 10-13-3.**

SECTION 3. IC 16-27-2-2.2, AS AMENDED BY P.L.212-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2.2. As used in this chapter, "services" includes:**

- (1) home health services (as defined in IC 16-27-1-5);
- (2) any services such as homemaker, companion, sitter, or handyman services provided by a home health agency in the temporary or permanent residence of a patient or client of the home health agency; and
- (3) personal services (**as defined in IC 16-27-4-4**).

SECTION 4. IC 16-27-2-4, AS AMENDED BY P.L.197-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4. (a) A person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 shall apply, not more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for a ~~determination concerning~~ copy of the employee's ~~national~~ limited criminal history. ~~background check from the Indiana central repository for criminal history information under IC 10-13-3-39.~~**

**(b) If a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 determines an employee lived outside Indiana at any time during the two (2) years immediately before the date the individual was hired by the home health agency or personal services agency, the home health agency or personal services agency shall apply, not**

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more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for a determination concerning the employee's national criminal history.

(c) If, more than three (3) days after an employee begins providing services in a patient's temporary or permanent residence, a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 discovers the employee lived outside of Indiana during the two (2) years immediately prior to the date the individual was hired, the agency shall apply, not more than three (3) business days after the date the agency learns the employee lived outside Indiana, for a determination concerning the employee's national criminal history.

~~(b)~~ (d) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than three (3) business days without applying for:

- (1) a limited criminal history as required by subsection (a); or
- (2) a determination concerning that person's national criminal history background check as required by subsection ~~(a)~~ (b) or (c).

SECTION 5. IC 16-27-2-5, AS AMENDED BY P.L.134-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 may not employ a person to provide services in a patient's or client's temporary or permanent residence if that person's limited criminal history ~~check~~ or national criminal history ~~background check~~ indicates that the person has been convicted of any of the following:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Exploitation of an endangered adult (IC 35-46-1-12).
- (4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).
- (5) Theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the person's employment application date.
- (6) A felony that is substantially equivalent to a felony listed in:
  - (A) subdivisions (1) through ~~(2)~~ (4); or
  - (B) subdivision (5), if the conviction for theft occurred less than ten (10) years before the person's employment

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**application date;**

for which the conviction was entered in another state.

(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) calendar days without receipt of that person's limited criminal history or national criminal history background check required by section 4 of this chapter, unless either the state police department or the Federal Bureau of Investigation under IC 10-13-3-39 is responsible for failing to provide the person's limited criminal history or national criminal history background check to the home health agency or personal services agency within the time required under this subsection."

Page 2, delete lines 1 through 36.

Page 6, line 26, delete "(a)".

Page 6, line 27, after "management" insert "**and disposition**".

Page 6, between lines 31 and 32, begin a new line block indented and insert:

**"(4) disciplinary action;"**.

Page 6, line 32, delete "(4)" and insert "**(5)**".

Page 6, line 33, delete "(5)" and insert "**(6)**".

Page 6, delete lines 35 through 37.

Page 8, delete lines 11 through 17, begin a new line block indented and insert:

**"(9) Occupational therapist.**

**(10) Optometrist.**

**(11) Physical therapist.**

**(12) Physician.**

**(13) Physician assistant.**

**(14) Podiatrist.**

**(15) Psychologist.**

**(16) Respiratory care practitioner.**

**(17) Social worker."**

Page 9, line 19, delete "shall" and insert "**may**".

Page 9, line 25, after "under" insert "**subsection (c) or**".

Page 9, between lines 32 and 33, begin a new paragraph and insert:

**"(c) Initial provisional licenses are valid for a length of time determined by the board, but not to exceed two (2) years.**

SECTION 15. IC 25-7-6-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 17. (a) This section applies only to applications for a barber license under IC 25-7-10.**

**(b) If an applicant comes from a jurisdiction that does not issue**

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a barber license, the board may issue an initial provisional license to an applicant who meets the following requirements:

- (1) The board finds that the applicant has sufficient training or experience as a barber.
- (2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.
- (3) The applicant pays a fee established by the board under IC 25-1-8.

(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed barber.

(d) A person who holds an initial provisional license may apply for renewal of a barber license under section 12 of this chapter.

(e) The holder of a provisional license may petition the board for the issuance of a barber license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from terms of the provisional license and is entitled to hold a license under IC 25-7-10-1."

Page 10, line 38, delete "shall" and insert "may".

Page 12, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 27. IC 25-8-4-2.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.9. (a) This section applies only to applications for a cosmetologist license under this article.

(b) If an applicant comes from a jurisdiction that does not issue a cosmetologist license, the board may issue an initial provisional license to an applicant who meets the following requirements:

- (1) The board finds that the applicant has sufficient training or experience as a cosmetologist.
- (2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.
- (3) The applicant pays a fee established by the board under IC 25-1-8.

(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed cosmetologist.

(d) A person who holds an initial provisional license may apply for renewal of a cosmetologist license under section 19 of this chapter.

(e) The holder of a provisional license may petition the board

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for the issuance of a cosmetologist license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from the terms of the provisional license and is entitled to hold a license under IC 25-8-4."

Page 12, line 33, after "under" insert "subsection (d) or".

Page 12, after line 42, begin a new paragraph and insert:

**"(d) Initial provisional licenses are valid for a length of time determined by the board, but not to exceed two (2) years."**

Page 13, between lines 35 and 36, begin a new paragraph and insert:

**"SECTION 29. IC 25-8-10-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) This section applies only to applications for an electrologist license under this article.**

**(b) If an applicant comes from a jurisdiction that does not issue an electrologist license, the board may issue an initial provisional license to an applicant who meets the following requirements:**

**(1) The board finds that the applicant has sufficient training or experience as an electrologist.**

**(2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.**

**(3) The applicant pays a fee established by the board under IC 25-1-8.**

**(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed cosmetologist or a licensed electrologist.**

**(d) A person who holds an initial provisional license may apply for renewal of an electrologist license under this chapter.**

**(e) The holder of a provisional license may petition the board for the issuance of an electrologist license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from the terms of the provisional license and is entitled to hold a license under this chapter.**

**SECTION 30. IC 25-8-11-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) This section applies only to applications for a manicurist license under this article.**

**(b) If an applicant comes from a jurisdiction that does not issue a manicurist license, the board may issue an initial provisional license to an applicant who meets the following requirements:**

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(1) The board finds that the applicant has sufficient training or experience as a manicurist.

(2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.

(3) The applicant pays a fee established by the board under IC 25-1-8.

(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed cosmetologist or licensed manicurist.

(d) A person who holds an initial provisional license may apply for renewal of a manicurist license under this chapter.

(e) The holder of a provisional license may petition the board for the issuance of a manicurist license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from the terms of the provisional license and is entitled to hold a license under this chapter."

Page 14, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 31. IC 25-8-12.5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) This section applies only to applications for an esthetician license under this article.

(b) If an applicant comes from a jurisdiction that does not issue an esthetician license, the board may issue an initial provisional license to an applicant who meets the following requirements:

(1) The board finds that the applicant has sufficient training or experience as an esthetician.

(2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.

(3) The applicant pays a fee established by the board under IC 25-1-8.

(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed cosmetologist or a licensed esthetician.

(d) A person who holds an initial provisional license may apply for renewal of an esthetician license under this chapter.

(e) The holder of a provisional license may petition the board for the issuance of an esthetician license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without

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supervision shall be released from the terms of the provisional license and is entitled to hold a license under this chapter."

Page 14, line 13, after "person" insert ":".

Page 14, line 13, strike "must do the following:".

Page 14, line 14, delete "Submit" and insert "**must** submit".

Page 14, line 15, delete "." and insert ";".

Page 14, line 16, delete "Pay" and insert "**must** pay".

Page 14, line 16, delete "." and insert "; **and**".

Page 14, line 17, delete "Submit" and insert "**may be subject**".

Page 14, between lines 17 and 18, begin a new paragraph and insert:  
"SECTION 33. IC 25-13-1-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 20. (a) In addition to any other fees charged to a dental hygienist, the board shall collect an additional twenty dollar (\$20) fee for the following licenses and permits issued to a dental hygienist:**

(1) A license to practice dental hygiene.

(2) A permit to administer anesthesia under section 10.6 of this chapter.

(b) The fees collected under this section shall be deposited in the Indiana dental recruitment fund (IC 25-14-5-5)."

Page 14, line 33, delete "Dentist" and insert "**Dental**".

Page 15, line 1, delete "or".

Page 15, line 2, delete "." and insert ", **or dental hygienists**".

Page 15, line 16, after "dentists" insert "**and dental hygienists**".

Page 15, line 32, after "dentist" insert "**or dental hygienist**".

Page 15, line 34, after "article" insert "**or as a dental hygienist under IC 25-13-1**".

Page 15, line 42, after "dentist" insert "**or dental hygienist**".

Page 16, line 10, after "dentist" insert "**or dental hygienist**".

Page 16, line 11, after "dentist" insert "**or dental hygienist**".

Page 16, line 13, after "dentist" insert "**or dental hygienist**".

Page 16, line 15, after "dentist" insert "**or dental hygienist**".

Page 17, line 16, delete "force." and insert "**force that lists the state as an additional insured**".

Page 17, line 22, delete "display" and insert "**provide**".

Page 19, delete lines 4 through 29, begin a new paragraph and insert:

"SECTION 34. IC 25-23-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 20. (a)** Any institution which desires to conduct a nursing education program shall apply to the board and submit evidence that:

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- (1) it is prepared to give a minimum curriculum of organized instruction and clinical experience in nursing in conformity to the provisions of this chapter and the rules of the board. Such instruction and experience may be secured in one (1) or more institutions or agencies approved by the board; and
- (2) it is prepared to meet other standards established by this chapter and by the board.

**(b) An institution that conducts a nursing education program may employ a person who:**

- (1) is a registered nurse with a bachelor's degree; and**
- (2) has at least three (3) years of experience in nursing; to instruct nursing students on a part-time basis for the purpose of clinical instruction."**

Page 22, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 36. IC 25-26-13-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) To be eligible for issuance of a pharmacy permit, an applicant must show to the satisfaction of the board that:

- (1) Persons at the location will engage in the bona fide practice of pharmacy. The application must show the number of hours each week, if any, that the pharmacy will be open to the general public.
- (2) The pharmacy will maintain a sufficient stock of emergency and frequently prescribed drugs and devices as to adequately serve and protect the public health.
- (3) Except as provided in section 19 of this chapter, a registered pharmacist will be in personal attendance and on duty in the licensed premises at all times when the practice of pharmacy is being conducted and that the pharmacist will be responsible for the lawful conduct of the pharmacy.
- (4) One (1) pharmacist will have not more than four (4) certified pharmacy technicians or pharmacy technicians in training certified under IC 25-26-19 under the pharmacist's immediate and personal supervision at any time. As used in this clause, "immediate and personal supervision" means within reasonable visual and vocal distance of the pharmacist. **However, if the pharmacy technician is practicing in a federally qualified health center (42 U.S.C. 1396d(1)(2)(B)), "immediate and personal supervision" means available visually and by voice through electronic means.**
- (5) The pharmacy will be located separate and apart from any area containing merchandise not offered for sale under the pharmacy

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permit. The pharmacy will:

- (A) be stationary;
- (B) be sufficiently secure, either through electronic or physical means, or a combination of both, to protect the products contained in the pharmacy and to detect and deter entry during those times when the pharmacy is closed;
- (C) be well lighted and ventilated with clean and sanitary surroundings;
- (D) be equipped with a sink with hot and cold running water or some means for heating water, a proper sewage outlet, and refrigeration;
- (E) have a prescription filling area of sufficient size to permit the practice of pharmacy as practiced at that particular pharmacy; and
- (F) have such additional fixtures, facilities, and equipment as the board requires to enable it to operate properly as a pharmacy in compliance with federal and state laws and regulations governing pharmacies.

A pharmacy licensed under IC 25-26-10 (before its repeal on July 1, 1977) on June 30, 1977, must comply with the provisions of this clause before December 31, 1982, unless for good cause shown the board grants a waiver or otherwise exempts it.

(b) Prior to opening a pharmacy after receipt of a pharmacy permit, the permit holder shall submit the premises to a qualifying inspection by a representative of the board and shall present a physical inventory of the drug and all other items in the inventory on the premises.

(c) At all times, the wholesale value of the drug inventory on the licensed items must be at least ten percent (10%) of the wholesale value of the items in the licensed area."

Page 23, delete lines 1 through 21.

Page 24, delete lines 3 through 6.

Page 24, line 27, after "(5)" insert "(4)".

Page 24, line 27, reset in roman "Approve or reject applications for a change or addition of a".

Page 24, reset in roman line 28.

Page 24, line 29, delete "(4)" and insert "(5)".

Page 24, line 32, delete "(5)" and insert "(6)".

Page 27, delete lines 6 through 42.

Page 28, delete lines 1 through 27.

Page 28, reset in roman lines 32 through 37.

Page 28, line 38, delete "(2)" and insert "(4)".

Page 28, delete lines 40 through 42.

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Page 29, delete lines 1 through 6.

Page 29, line 7, delete "(c)" and insert "(b)".

Page 29, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 49. IC 25-33-1-5.1, AS AMENDED BY P.L.2-2007, SECTION 345, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.1. (a) Except as provided in section 5.3 of this chapter, the board shall issue a license to an individual who meets the following requirements:

- (1) Applies to the board in the form and manner prescribed by the board under section 3 of this chapter.
- (2) Is at least eighteen (18) years of age.
- (3) Has not been convicted of a crime that has a direct bearing upon the applicant's ability to practice competently.
- (4) Possesses a doctoral degree in psychology:
  - (A) granted from a recognized postsecondary educational institution; and
  - (B) from a degree program approved by the board as a psychology program at the time the degree was conferred.
- (5) Is not in violation of this chapter or rules adopted by the board under section 3 of this chapter.
- (6) Has paid the fee set by the board under section 3 of this chapter.
- (7) Has passed the examination required and administered by the board.

(b) If an applicant has been disciplined by a licensing agency in another state or jurisdiction on the ground that the applicant was unable to competently practice psychology, the applicant must submit proof, satisfactory to the board, that the reasons for disciplinary sanction by the other licensing agency are no longer valid.

(c) The board shall endorse as a health service provider in psychology an individual who:

- (1) has a doctoral degree in clinical psychology, counseling psychology, school psychology, or another applied health service area of psychology;
- (2) is licensed under this section, section 5.3, or section 9 of this chapter;
- (3) has at least two (2) years of **sequential and organized professional** experience in a supervised health service setting in which one (1) year of experience was obtained in an organized health service training program; and ~~in which at least one (1) year of experience was obtained after the individual received the individual's doctoral degree in psychology; and~~

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(4) complies with the continuing education requirements under IC 25-33-2.

(d) An individual who received a doctoral degree in clinical psychology, counseling psychology, school psychology, or other applied health service area in psychology before September 1, 1983, may satisfy one (1) year of the two (2) year supervised health setting experience requirement under subsection (c) by successfully completing a preceptorship program. The individual must apply in writing to the board and the board must approve the program. The preceptorship program must:

- (1) consist of at least one thousand eight hundred (1,800) hours of clinical, counseling, or school psychology work experience;
- (2) consist of at least one hundred (100) hours of direct supervision of the individual by a psychologist, at least fifty (50) hours of which must involve the diagnosis of mental and behavioral disorders and at least fifty (50) hours of which must involve the treatment of mental and behavioral disorders;
- (3) be completed in a health service setting that provides services in the diagnosis and treatment of mental and behavioral disorders;
- (4) be under the supervision of a psychologist who meets the requirements for endorsement under this section; and
- (5) be completed within two (2) years after the date the program is started.

(e) If an individual applies to the board under subsection (d), the board shall apply each hour of work experience the individual completes after applying to the board and before the board approves the preceptorship program to the one thousand eight hundred (1,800) hour work experience requirement under subsection (d)(1)."

Page 31, line 15, delete "; IC 25-27.5-6-2; IC 25-27.5-6-5".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1573 as introduced.)

BROWN C, Chair

Committee Vote: yeas 9, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1573 be amended to read as follows:

Page 19, line 4, delete "Loan for".

Page 19, line 22, delete "(3)The"" and insert **"(3) The"**.

Page 19, line 33, after "under" insert **"IC 25-13-1-20 and"**.

Page 26, line 41, delete "(42 U.S.C. 1396d(1)(2)(B))," and insert **"(42 U.S.C. 1396d(1)(2)(B)),"**.

(Reference is to HB 1573 as printed February 13, 2009.)

WELCH

## HOUSE MOTION

Mr. Speaker: I move that House Bill 1573 be amended to read as follows:

Page 19, line 4, delete "Loan for".

Page 19, line 4, after "Area" insert **"and Minority"**.

Page 19, line 7, delete "underserved area".

Page 19, between lines 10 and 11, begin a new paragraph and insert:

**"Sec. 2.5. As used in this chapter, "minority" means an individual identified as any of the following:**

**(1) Black or African-American.**

**(2) Hispanic or Latino."**

Page 19, line 16, delete "underserved area".

Page 19, line 22, delete "(3)The" and insert **"(3) The"**.

Page 19, line 31, after "areas" insert **"and to increase the number of minority dentists and dental hygienists in Indiana"**.

Page 20, line 10, after "area" insert **"or as a minority dentist or dental hygienist in Indiana"**.

Page 20, line 13, after "area" insert **"or as a minority dentist or dental hygienist in Indiana"**.

Page 20, line 18, delete "in underserved areas per week;" and insert **"per week in underserved areas or as a minority dentist or dental hygienist in Indiana;"**.

(Reference is to HB 1573 as printed February 13, 2009.)

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